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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,364	02/04/2002	Saul R. Dooley	GB 010016	7419

24737 7590 05/09/2003
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EXAMINER

ISSING, GREGORY C

ART UNIT PAPER NUMBER

3662

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,364

Applicant(s)

DOOLEY ET AL.

Examiner

Gregory C. Issing

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 and 4. 6) ☐ Other:

Art Unit: 3662

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the obtaining of the frequency variations and the using of such to acquire a second GPS signal must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 17 fail to clearly and distinctly set forth the subject matter since each claim sets forth a method for despreads a plurality of spread spectrum signals. However, the claims fail to clearly and distinctly set forth any actual step of despreads any signals.

Claim 14 is not understood.

Claim 15 is indefinite since (1) it is dependent upon a method claim, (2) it is not further limiting as the method already defines a method of despreads signals received by a GPS receiver, and (3) the language "able to despreads" is grammatically improper.

Claim 16 is indefinite since it is dependent upon a method claim and its operation to perform the method is not clear.

Art Unit: 3662

Claim 18 is indefinite since (1) it is dependent upon a method claim, (2) it is not further limiting as the method already defines a method of despreading signals received by a GPS receiver, and (3) the language "able to despreading" is grammatically improper.

Claim 19 is indefinite since it is dependent upon a method claim and its operation to perform the method is not clear.

Claim 17 is not understood. The claim sets forth a method for despreading a plurality of spread spectrum signals yet there are no steps involved for providing such, as set forth above. It is not clear why the first signal would be resampled as the first signal is defined as having been acquired. In fact, it is not clear if this actually relates to the same invention as set forth in the embodiment described by claims 1-16. **As such, it is noted that a restriction requirement may be necessary at a later time when the subject matter of claims 17-19 is made clear.** The first set of claims is directed to using the frequency variations to acquire a second signal whereas the second set of claims does not require any acquisition of subsequent signals on the basis of any frequency variations.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 6, 8, 10, 12, and 15-16 are rejected under 35 U.S.C. 102(a) as being anticipated by any one of Underbrink, Carter, Lau or Loomis et al.

Art Unit: 3662

6. Each of Underbrink, Carter, Lau and Loomis et al disclose a method of acquiring a GPS signal wherein upon acquiring a first satellite signal, a frequency range for searching a subsequent satellite is narrowed.

7. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by King.

King teaches an integrated GPS/communication receiver which receives aiding data to acquire GPS signals wherein the aiding data may include information as to which satellites are visible, associated Doppler and code phase. The base stations of a conventional wireless communication system send information regarding cell ID and location; the transmission of aiding data regarding visible satellites inherently is indicative of position. Moreover, the sending of the aiding data inherently means that the base station as already acquired the GPS signals and derived the associated information. Figure 1 shows a digital receiver comprising a memory and multi-channel correlator, wherein a portion of the broadcasted GPS signal is captured in memory and then later replayed into the GPS correlator. A solution to an off-line process includes the steps of receiving acquisition information from a GPS central site or from predictions of code phase and Doppler from a recently tracked satellite in real-time.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Durboraw, III et al disclose a method for detecting spread spectrum signals using a signal from a secondary source wherein a secondary signal, non-GPS, is acquired and a timing and a frequency reference established therefrom. Subsequently using the timing and frequency reference determined from the acquired secondary signal to detect and acquire a spread spectrum signal. McBurney et al disclose a GPS receiver wherein it is known to minimize the search range of satellites after acquiring a first signal.

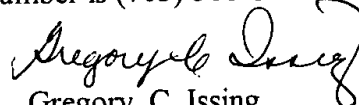
Application/Control Number: 10/067,364
Art Unit: 3662

Page 5

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703)-306-4171. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Gregory C. Issing
Primary Examiner
Art Unit 3662

gci
May 5, 2003